IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL SIDE JURISDICTION

CHAMBER SUMMONS NO.564 OF 2004
IN
SUIT NO.1246 OF 1989

Taraben Ambalal Shah & Anr. ...Plaintiffs
Vs.
Naginbhai Pragji Desai ...Defendant

None present for parties

CORAM: ROSHAN DALVI, J.
DATED: 19TH DECEMBER, 2005

P.C.

. Parties and Advocates absent.

. This is a Defendant's chamber summons to withdraw Rs.7,11,000/- deposited by the Defendants in this Court pending the suit. The suit is decreed. Specific performance of the contract between the parties is granted. Defendant is directed to vacate the suit premises and hand over the premises to the Plaintiff. The appeal from the decree is dismissed. The SLP is also dismissed. One year time to vacate the suit premises was given to the Defendant, when the SLP was dismissed. That one year period was to expire on 4th April 2004, as per the undertaking of the Defendant dated 4th April 2003.

. This chamber summons has been taken out on 4th February 2004, 2 months before the undertaking had to be honoured. Until the defendant honours the

undertaking the amount deposited in the Court cannot be paid to the Defendants, so also the interest thereon.

. The chamber summons is not shown to be served. Hence, no affidavit in reply is filed. Chamber Summons is dismissed. N.O.C.

(ROSHAN DALVI, J.)